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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In The Matter of

Performance Measurements and Reporting
Requirements for Operations Support Systems,
Interconnection, and Operator Services and
Directory Assistance

CC Docket No. 98-56
RM-9101

REPLY COMMENTS OF MEDIAONE GROUP, INC.
MEDIAONE GROUP, INC.

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REPLY COMMENTS OF MEDIAONE GROUP, INC.

MediaOne Group, Inc. ("MediaOne"), by its attorneys, hereby submits its reply comments in response to the Commission's Notice of Proposed Rulemaking in the above captioned matter.^{1/} MediaOne urges the Commission to adopt binding performance standards and reporting requirements, accompanied by self-executing enforcement measures. As all the competitive local exchange carriers ("CLECs") commenting in the proceeding point out, the incumbent LECs ("ILECs") have not yet complied with the statutory and regulatory mandates to provide nondiscriminatory access to their operational support systems ("OSS") on just and reasonable terms. This failure has slowed considerably the development of local exchange competition and the associated consumer benefits. Contrary to the contention of some ILECs, the Commission has unfettered authority to adopt binding performance standards and, given the demonstrated necessity for such measures, the Commission should take the opportunity to do so promptly.

¹ In the Matter of Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection and Operator Services and Directory Assistance, Docket No. 98-56, Notice of Proposed (footnote continued on next page)

I. OBJECTIVE AND MANDATORY NATIONAL PERFORMANCE STANDARDS ARE NECESSARY TO ENSURE MEANINGFUL LOCAL TELECOMMUNICATIONS COMPETITION

A. The ILECs Have Failed to Provide Nondiscriminatory Access to OSS on Just and Reasonable Terms

As the Commission recognizes, nondiscriminatory and prompt access to the ILECs' OSS is critical to the provision of telecommunications services by competing carriers.² MediaOne and the other CLECs commenting in this proceeding have explained, however, that, to date, CLECs are not receiving such access. To the extent the Commission is wondering about the slow pace of the development of local exchange competition, this one ILEC failure can explain a great deal. The sheer number of ILEC errors and delays MediaOne has experienced in transitioning customers, installing and "lighting" interconnection trunks, and implementing Interim Number Portability ("INP") have undermined MediaOne's efforts to enter the retail business.³ Like many other CLECs, MediaOne can ill afford negative customer perceptions resulting from such delays and errors at this fragile time in its development.

While the ILECs argue that the negotiation process for interconnection, resale, and unbundled elements provides all the safeguards that are necessary,⁴ that clearly is not the case.

Rulemaking, FCC 98-72, (rel. April 17, 1998) ("OSS NPRM").

² OSS NPRM at ¶ 3; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499, 15763-64 (1996) ("Local Competition Order"), aff'd in part and vacated in part sub nom. Competitive Telecommunications Ass'n v. FCC, 117 F.3d 1068 (8th Cir. 1997), and Iowa Utilities board v. FCC, 120 F.3d 753 (8th Cir. 1997) petition for cert. granted, Nos. 97-286 et al. (U.S. Jan 26, 1998), Order on Reconsideration, 11 FCC Rcd 13042 (1996); Second Order on Reconsideration, 11 FCC Rcd 19738 (1996); Third Order on Reconsideration and Further Proposed Rulemaking, 12 FCC Rcd 12453 (1997); further recon. pending.

³ Comments of MediaOne Group, Inc. at 5-8 ("MediaOne Comments").

⁴ See, e.g., Comments of Bell Atlantic at 1-2 ("Bell Atlantic Comments"); Comments of BellSouth at 3 ("BellSouth Comments"); Comments of GTE at 4 ("GTE Comments"); Comments of SBC at 1-2 ("SBC Comments"); Comments of U S West at 8-9 ("U S West Comments").

Indeed, if individual negotiations could provide the relief necessary, the Commission would have had no need to commence this proceeding. As MediaOne set forth in its initial comments, despite its execution of numerous interconnection contracts, ILECs have generally failed to meet trunk installation timetables, improperly connected SS7 facilities, made numerous errors in processing MediaOne's INP orders, and neglected to provide adequate information sharing. Media One has thus experienced unacceptable trunk blockage, an inability to provide custom calling features, and the inability of its customers to make calls, receive calls, or even to have dial tone.⁵

Nor have these discriminatory and unjust ILEC practices abated in recent months. For example, MediaOne has learned from business customers in Jacksonville, Florida that BellSouth regularly repairs the circuits they lease directly from BellSouth almost twice as fast as it repairs the circuits MediaOne leases from BellSouth and provides to these same customers.⁶ So long as these types of actions go unchecked, MediaOne will have trouble attracting and retaining customers and there will be few real competitive alternatives available to consumers. This plainly is not what Congress or the Commission intended.

B. Adoption of Uniform National Rules is the Most Efficient and Effective Way To Ensure ILEC Compliance with OSS Requirements

As numerous commenters point out, model rules with no binding effect are insufficient to motivate the ILECs to comply with their statutory and regulatory obligations. In August 1996, the Commission ordered the ILECs to provide nondiscriminatory access to OSS by January 1,

⁵ MediaOne Comments at 5-8.

⁶ See Declaration of Phyllis M. Erno, Regional Director, Customer Care and Billing, MediaOne Group, Inc. (attached hereto as Exhibit 1). One MediaOne customer reports that in the event of service outages (which apparently occur frequently in Jacksonville), BellSouth repairs the circuits the customer leases directly from (footnote continued on next page)

1997.⁷ Now, a year and a half after that deadline, CLECs are still facing the same obstacles that were present when they first entered the market. The Commission itself has confirmed that it is wholly dissatisfied with the ILECs' performance on access to OSS and some state commissions have echoed this sentiment.⁸

The ILECs' comments in this proceeding illustrate their reluctance to comply with the Commission's mandate to provide nondiscriminatory access to OSS. On the one hand, the ILECs assert that reporting requirements are unnecessary and that IXCs are promoting them merely as a ploy to forestall ILEC long distance competition.⁹ On the other hand, the ILECs propose imposing reciprocal reporting requirements on CLECs.¹⁰ Neither of these positions has any merit.

Contrary to the beliefs of some ILECs, the stated need for fair performance standards is not a cover for keeping the Regional Bell Operating Companies ("RBOCs") out of the long distance business. The 1996 Act was based on the premise that if and when RBOCs open their local networks to competition, they will be permitted to provide interLATA service. The RBOCs cannot have it both ways. Without just and reasonable access to OSS, it cannot be

BellSouth in four hours, while the MediaOne circuits leased from BellSouth take seven hours to come back on line.

⁷ Local Competition Order, 11 FCC Rcd at 15767-68.

⁸ See, e.g., Application by BellSouth Corporation, et al. Pursuant to Section 271 of the Communications Act of 1934, as Amended to Provide In-Region, InterLATA Services in Louisiana, Memorandum Opinion and Order, FCC 98-17, CC Docket No. 97-231 at ¶¶ 20-58 (rel. Feb. 4, 1998); Application of BellSouth Corporation, et al. Pursuant to Section 271 of the Communications Act of 1934, as Amended to Provide In-Region, InterLATA Services in South Carolina, Memorandum Opinion and Order, 13 FCC Rcd 539 at ¶¶ 101-81 (1997); DPUC Investigation of the Southern New England Telephone Company Affiliate Matters Associated with the Implementation of Public Act 94-83, Connecticut DPUC Docket No. 94-10-05, Draft Decision at 3 (DPUC suspended currently scheduled dates for local exchange balloting and will make the ballot schedule contingent upon resolution of outstanding OSS and access to unbundled elements issues) (issued May 21, 1998).

⁹ See Comments of Ameritech at 13 ("Ameritech Comments"); BellSouth Comments at 2, 4, 7; Comments of the United States Telephone Association at 11-15.

legitimately said that the RBOC network is open to competitors. Therefore, it is entirely appropriate that the Commission establish impartial measurement criteria and associated reporting requirements, and examine the results carefully before determining whether interLATA entry should be allowed.

Similarly, Ameritech's proposal to load additional and unnecessary reporting requirements on new entrants¹¹ displays a serious misunderstanding of the CLECs' and ILECs' respective needs and motivations. If CLECs do not receive equal access to OSS, they will be "severely disadvantaged, if not precluded altogether, from fairly competing."¹² Because the ILECs have no incentive to provide such access to their direct competitors, regulatory mandates and reporting mechanisms are necessary. CLECs, in contrast, will pay in the marketplace if their end user services are unacceptable and, therefore, they have every motivation to provide excellent service.¹³

The ILECs also attempt to dissuade the Commission at every turn from adopting the very measurement requirements that would allow a fair assessment of the ILECs' performance on OSS. For example, a number of ILEC commenters state that the Commission should not establish accuracy and timeliness measurements for updates to the 911 and other such databases.¹⁴ The Commission, however, already has determined that it would "be remiss in [its] statutory duties" to promote "safety of life and property through use of wire and radio

¹⁰ Ameritech Comments at 21.

¹¹ Id.

¹² Local Competition Order, 11 FCC Rcd at 15763-64.

¹³ Ironically, a CLEC's failure to provide adequate service to customers is often a result of ILEC failures to provide necessary OSS functions. Imposing reporting requirements on the CLEC would do nothing to cure that problem.

¹⁴ See, e.g., Ameritech Comments at 48-54; Bell Atlantic Comments, Exhibit A at 4, 7; BellSouth Comments at 25.

communication”¹⁵ if it did not closely examine the steps ILECs have taken to maintain the accuracy and integrity of their 911 databases for competitors.¹⁶ If the Commission fails to establish criteria to measure that accuracy, as requested by the ILECs, such examination will not be possible.

In addition, the Commission should reject ILEC requests not to adopt trunk blockage measurements.¹⁷ As described above, one of the major problems MediaOne has faced to date is the ILEC failure to install and turn on trunks according to schedule. As a result, MediaOne has suffered severe under-capacity problems. In this regard, the Commission should not accept ILEC proposals to measure performance to competing carriers based on an ILEC’s performance to its end user retail customers.¹⁸ This would put CLECs at a competitive disadvantage as they attempt to compete for those very ILEC customers. In addition, it likely would result in CLECs violating the regulations of many states, which require that service be provided to end users by a date certain.¹⁹ If trunks are not provided by the ILEC to the CLEC within a sufficient amount of time prior to the required end user service date, it would be impossible for the CLEC to comply with this regulatory mandate. While the ILECs want the Commission simply to trust them to avoid trunk blockage, MediaOne’s experience demonstrates the folly of that course.

Although the Commission’s proposal to give guidance to the states on these issues is commendable, MediaOne fears that nothing short of binding national rules is likely to provide

¹⁵ 47 U.S.C. § 151.

¹⁶ Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as Amended, to Provide In-Region, InterLATA Services in Michigan, Memorandum Opinion and Order, 12 FCC Rcd 20943, 20680 (1997).

¹⁷ See Bell Atlantic Comments, Exhibit A at 7; BellSouth Comments at 30.

¹⁸ Ameritech Comments at 69, 75-79.

the prod necessary to ensure fair competition. Attempting to obtain relief on a state-by-state basis is proving to be an insurmountable obstacle for CLECs that wish to attain a national or regional presence. While some states have adopted comprehensive performance standards, and others have begun the process, the vast majority have not even taken the first steps. Contrary to the concerns expressed by some commenters and the Commission that national standards could undermine the work already undertaken in those few states, MediaOne believes that the existing state decisions and pending proceedings provide a perfect base for the Commission to build upon. At the same time, the adoption of binding national standards would provide a floor for states that wish to adopt more stringent or comprehensive rules to take into account unique conditions in their states.

State-by-state rulemaking also presents a particular obstacle to facilities-based providers, such as MediaOne, because states today are generally concentrating their energies on the modes of entry employed by most competitors – resale and purchase of unbundled network elements. As MediaOne noted in its initial comments, it has devoted considerable resources to upgrading its broadband networks, which provide residential customers a true alternative to the ILEC network and services. Nevertheless, many states have ignored the needs of carriers who provide services on alternative networks.²⁰ National standards geared toward all types of providers, not just resellers and purchasers of unbundled loops, are necessary to ensure that facilities-based carriers have a chance to thrive.²¹

¹⁹ See, e.g., New York Comp. Codes R. & Regs. Tit. 16, § 609.3(a)(9) (1997).

²⁰ See Comments of AT&T at 13-14 (“AT&T Comments”).

²¹ In its comments, MediaOne noted that the Commission’s proposed measurements also are deficient because they are directed primarily toward the needs of resellers and UNE purchasers. For example, the Commission has not proposed to measure the provisioning of number portability separately from the provisioning of an unbundled loop, (footnote continued on next page)

II. THE COMMISSION HAS THE AUTHORITY TO PROMULGATE BINDING NATIONAL RULES

The Commission has proposed to adopt non-binding, non-enforceable performance standards and measurements to guide the states. At the same time, the Commission recognizes that CLECs today are not receiving acceptable access to OSS and that such access is essential if the congressional goal of encouraging local competition is to be satisfied in this decade. It appears that the Commission took this “safe” approach because it wishes to avoid jurisdictional challenges from the ILECs. As discussed above, however, model rules alone would not noticeably alter the bind CLECs find themselves in today and, therefore, would not permit full and fair competition. While challenges by ILECs to any procompetitive FCC action are inevitable, Congress has given the FCC the authority to promulgate binding rules on OSS and it should accept that responsibility.

As most of the commenters stress, the decision of the United States Court of Appeals for the Eighth Circuit in Iowa Utilities Board v. FCC²² does not preclude the Commission from establishing mandatory reporting requirements and performance measurements, such as those set forth in the OSS NPRM. To the contrary, the court in that case specifically upheld Section 51.319(f) of the Commission’s rules, which requires ILECs to provide “nondiscriminatory access” to “[o]perations support systems functions [which] consist of pre-ordering, ordering, provisioning, maintenance and repair, billing functions supported by an incumbent LEC’s

which disadvantages carriers who do not purchase loops. Similarly, the Commission fails to provide two sets of measurements for ILEC build-out of trunks for interconnection purposes and the activation of trunks within the ILEC network. MediaOne Comments at 12-14. MediaOne recognizes, however, that attempting to correct these oversights on the national level would be far preferable to having to litigate them in every state.

²² 120 F.3d 753 (8th Cir. 1997), cert. granted Nos. 97-286, et al. (U.S. Jan. 28, 1998).

databases and information.” 47 C.F.R. § 51.319(f).²³ The court also left standing the Commission’s rule that “the quality of an unbundled element, as well as the quality of access to such unbundled network element, that an incumbent LEC provides to a requesting telecommunications carrier shall be at least equal in quality to that which the incumbent LEC provides itself.” 47 C.F.R. § 51.311(b). As AT&T correctly notes, given that the court acknowledged that the Commission is “specifically authorized” to determine “what network elements should be made available for purposes of subsection [251](c)(3),” it would make no sense if the Commission could not adopt rules governing their functionalities.²⁴

MediaOne urges the Commission to rethink its approach and make its proposed rules binding. Unless there are explicit national performance measurements and reporting requirements, the Commission and state agencies will lack the means to determine whether ILECs are properly fulfilling their statutory obligations. Moreover, as discussed below, without specific enforcement mechanisms, ILECs will lack the incentive to comply with the Commission’s performance standards.

III. THE COMMISSION SHOULD ADOPT EFFECTIVE ENFORCEMENT MECHANISMS

While the Commission believes that it is premature to propose enforcement mechanisms, this clearly is not the case. The ILECs are free to ignore performance standards if sufficient penalties are not present to motivate their compliance. Sprint’s argument that the Commission should await a pattern of discrimination to determine “how much of a departure from parity in a

²³ *Id.*, 120 F.3d at 808-810.

²⁴ AT&T Comments at 12.

particular measurement for a particular period of time represents unlawful conduct”²⁵ could easily render the Commission’s efforts to ensure fair competition meaningless. Right now is when performance standards with real enforcement teeth are needed by new entrants. By the time a “pattern” of discrimination is established, many new telephone companies could be out of business.

As some states have recognized, monetary incentives, such as liquidated damages, are the only effective enforcement mechanisms in these circumstances. For example, Massachusetts and New York have ordered specific financial penalties for failure to meet specified standards. In Massachusetts, the Department of Telecommunications and Energy (“DTE”) found that ILECs “clearly [have] an incentive [] to provide lower quality service to a competing carrier and to that carrier’s customers than it provides to itself and its customers. . . . Absent clear service standards and equally clear penalties for [the ILEC’s] failure to meet such standards, the purposes of the Act would be in jeopardy.”²⁶ Consequently, the Massachusetts DTE adopted a two-tier liquidated damages process. Instant credits will be imposed for the ILEC’s inability to perform a specific function in a timely manner.²⁷ Performance credits will be imposed for the ILEC’s failure to meet performance standards over a given time period.²⁸ Furthermore, the DTE noted that because interconnection trunks have such tremendous commercial value, greater incentives

²⁵ See Comments of Sprint at 13.

²⁶ Consolidated Arbitrations of New England Telephone and Telegraph Co. d/b/a NYNEX, Teleport Communications Group, Inc., Brooks Fiber Communications, AT&T Communications of New England, Inc., MCI Communications Co., and Sprint Communications Co., L.P., pursuant to Section 252(b) of the Telecommunications Act of 1996, for arbitration of interconnection agreements between NYNEX and the aforementioned companies (“Consolidated Arbitrations”), D.T.E. 96-73/74, 96-75, 96-80/81, 96-83, 96-94, Phase 3 Order at 25 (Dec. 4, 1996).

²⁷ Consolidated Arbitrations Phase 3-B Order at 25 (July 29, 1997).

²⁸ Id.

are appropriate for the ILECs' failure to meet parity standards with respect to the provisioning and maintenance of such trunks.²⁹

New York, meanwhile, has approved financial remedies contained in arbitrated and negotiated interconnection agreements.³⁰ While ordering the parties to continue negotiating standards and related remedies, the New York Public Service Commission ("PSC") noted that "reasonable, measurable performance standards for the provision of network elements, with appropriate remedies for failure, are critical to the operations of [the ILEC's] competitors."³¹ The PSC ultimately adopted a remedies plan that requires the ILEC to issue credits up to the amount of the charges whenever standards are missed.³² In the interconnection agreement between MCI and NYNEX, the PSC adopted the ILEC's proposal of a sliding scale of damages for failure to install loops on time.³³

The Commission should pattern its national enforcement remedies after the actions taken by these states. One of the most serious risks to CLECs' ability to provide competitive

²⁹ Id. at 40. An order on this issue is expected in July 1998.

³⁰ See, e.g., Petition of MCI Telecommunications Corp., Pursuant to Section 252(b) of the Telecommunications Act of 1996, for Arbitration to Establish an Intercarrier Agreement between MCI and New York Telephone Co., Case 96-C-0787, Opinion and Order Resolving Arbitration Issues at 42 (Dec. 23, 1996) ("MCI-NYNEX Agreement Order"); Petition of AT&T Communications of New York, Inc. for Arbitration of an Interconnection Agreement with New York Telephone Co., Case 96-C-0723, Opinion and Order Resolving Arbitration Issues at 43 (Nov. 29, 1996) ("AT&T-NYNEX Agreement Order"); and Petition of Cablevision Lightpath, Inc. for Arbitration of Interconnection, Rates, Terms, Conditions and Related Arrangements Pursuant to Section 252(b) of the Telecommunications Act of 1996 with NYNEX, Case 97-C-0961, Interconnection Agreement Under Sections 251 and 252 of the Telecommunications Act of 1996, dated Aug. 1, 1997 (filed Aug. 18, 1998) (copy of Exhibit F of Cablevision Lightpath/NYNEX agreement attached hereto as Exhibit 2) and Order Approving Interconnection Agreement (Oct. 14, 1997).

³¹ AT&T-NYNEX Agreement Order at 43.

³² Petition of AT&T Communications of New York, Inc. for Arbitration of an Interconnection Agreement with New York Telephone Co., Case 96-C-0723, Order Concerning Performance Standards and Associated Remedies (Feb. 3, 1998).

³³ MCI-NYNEX Agreement Order at 42.

telecommunications services is the failure of ILECs to furnish quality provisioning of essential arrangements and services. Liquidated damages and rebates are necessary to ensure that ILECs do not ignore their obligations to CLECs or intentionally deviate from them as part of their business strategies. The performance standards and remedies must address two areas of concern: specific incidents and general parity. The incident-based standards reflect the fact that a CLEC is harmed each and every time that an ILEC fails to provide service or meet an order in a timely and accurate manner. The parity standards should be designed to ensure that CLECs receive services from ILECs and have their orders and problems addressed in a manner that is equal to the way in which the ILECs serve themselves, including the way in which ILECs serve their affiliates and end user customers.³⁴ In addition, the Commission must set the rebate amounts and liquidated damages high enough to guard against ILECs viewing them simply as a cost of doing business.

MediaOne also agrees with CompTel that the Commission should condition retention of RBOC interLATA authority (once granted) on an RBOC's compliance with the requirements of Sections 251, 252, and 271 of the Communications Act, and the Commission's implementing regulations.³⁵ In addition, MediaOne supports the Commission's proposal to establish an "Accelerated Docket" option for complaints alleging violations of such sections.³⁶ As CompTel points out, coupled with self-executing financial penalties, the Commission's proposed

³⁴ In order for such remedies to be applied in any meaningful way, it is critical that the ILECs be required to report separately on their performance as provided to: (1) their own retail customers; (2) any of their affiliates that provide local exchange service; (3) competing carriers in the aggregate; and especially (4) individual competing carriers. See ALTS Comments at 6-7.

³⁵ CompTel Comments at 13-14.

³⁶ Amendment of Rules Governing Procedures to be Followed When Formal Complaints are Filed Against Common Carriers, Notice of Proposed Rulemaking, CC Docket No. 96-238, FCC 96-460 (rel. Nov. 27, 1996).

accelerated and live hearing procedures are very well suited for OSS-related disputes.³⁷

CONCLUSION

The Commission must adopt self-enforcing and clear performance standards to ensure that ILECs do not continue to use their dominant position in the marketplace to thwart competition. The Commission has both the authority under the Communications Act and the obligation to make its proposed model rules and measurements mandatory. MediaOne applauds the Commission for taking the important steps evidenced in the OSS NPRM and urges the Commission to put some force behind its proposals to ensure that ILECs comply with these essential mandates.

Respectfully submitted,

MEDIAONE GROUP, INC.



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July 6, 1998

³⁷ CompTel Comments at 16.

MEDIA ONE GROUP, INC.

EXHIBIT 1

DECLARATION OF PHYLLIS M. ERNO

I, Phyllis M. Erno, hereby declare as follows:

1. I am Regional Director, Customer Care and Billing, of MediaOne Group, Inc. in Jacksonville, Florida, whose address is: 4455 Baymeadows Road, Jacksonville, Florida 32217. My duties encompass the oversight of the MediaOne customer service arena including installation, maintenance and major service outages.
2. MediaOne leases circuits in Jacksonville from BellSouth and resells such circuits to large business customers. Many of these business customers lease circuits directly from BellSouth as well as from MediaOne.
3. Because of weather and other problems, there are frequent telephone service outages in Jacksonville.
4. Some of MediaOne's business customers have recently reported that, in the event of such outages, the circuits they lease directly from BellSouth are repaired much faster than the resold circuits they lease from MediaOne.
5. One MediaOne customer stated that it generally takes BellSouth four hours to repair the circuits it leases directly from BellSouth, while it takes BellSouth at least seven hours to repair the resold circuits it obtains from MediaOne.

I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.


Phyllis M. Erno

July 6, 1998

MEDIA ONE GROUP, INC.

EXHIBIT 2

ATTACHMENT F

INCIDENT-BASED LIQUIDATED DAMAGES

Specified Activity	Performance Interval	Breach Amount	Specified Performance Breach
Ia Trunk^{1/} Provisioning Intervals	1. <u>Initial Trunks</u> : Within sixty (60) business days of receipt of a valid ASR.	\$240 per breach per T-1/DS-1	NYNEX shall be deemed in breach for each day beyond 48 hours after the due date.
	2. <u>Additional Trunks</u> : Within thirty (30) business days of receipt of a valid ASR.	\$240 per breach per T-1/DS-1	NYNEX shall be deemed in breach for each day beyond 48 hours after the due date.
Ib Trunk Service Restoration	1. <u>Service-Affecting</u> - Service-Affecting trunk service trouble will be restored within two (2) hours of trouble notification. Service-Affecting trouble is defined as a condition or event where there is call blockage or overflow to a final trunk.	\$15 per trunk per breach	NYNEX shall be deemed in breach every four (4) hour period or increment thereof, after the first hour that service has failed to be restored.
	2. <u>Non-Service-Affecting</u> - Non-Service-Affecting trouble will be restored within 24 hours of notification. Non-Service-Affecting trouble is defined as a condition or event where a trunk is out of service, but no call blockage or overflow is occurring. If trouble becomes service-affecting, breach is immediate.	\$15 per trunk per breach	NYNEX shall be deemed in breach every twenty-four (24) hour period or increment thereof, after the first twenty-four (24) hour period that service has failed to be restored.
	3. <u>SS7 Links</u> - Single A links will be restored within two (2) hours of notification including links to CLI's third-party SS7 provider.	\$15 per trunk per breach	NYNEX shall be deemed in breach for every four (4) hour period or increment thereof, after the first hour that the service has failed to be restored.

^{1/} These trunks include those used for interconnection, operator services, and E911/911.


Specified Activity	Performance Interval	Breach Amount	Specified Performance Breach
II Interim Number Portability (INP):	1. Remote Call Forwarding (RCF) <u>Translation</u> Intervals are in compliance with Attachment E.	\$5 per line per order plus \$157 for dispatch	NYNEX shall be deemed in breach for each missed appointment.
	2. Direct Inward Dialing (DID) <u>Installation:</u> Within twenty-one (21) business days of receipt of a valid ASR.	\$15 per trunk per breach	NYNEX shall be deemed in breach for each day beyond the scheduled date within the interval.
	3. Route Indexing (RI) (Upon mutual agreement to use RI.) a. <u>Initial Trunks:</u> Within twenty-one (21) business days of receipt of a valid ASR.	\$240 per breach per T-1/DS-1	NYNEX shall be deemed in breach for each day beyond the scheduled date within the interval.
	b. <u>Additional Trunks:</u> Within sixteen (16) business days of receipt of a valid ASR.	\$240 per breach per T-1/DS-1	NYNEX shall be deemed in breach for each day beyond the scheduled date within the interval.
	c. <u>Translation</u> Intervals are in compliance with Attachment E.	\$5 per line, per order plus \$157 for dispatch	NYNEX shall be deemed in breach for each missed appointment.
III. Order Processing	Firm Order Confirmation ("FOC") or Service Order Confirmation (SOC) for all services as per Attachment E".	20% of non-recurring charges (NRC)	NYNEX shall be deemed in breach for each missed interval for each FOC or SOC not sent by NYNEX.

Specified Activity	Performance Interval	Breach Amount	Specified Performance Breach
IV. Unbundled Network Elements	Missed due date as listed on the Firm Order Confirmation (FOC). Due dates must comply with Attachment E unless otherwise agreed to by the parties.	25% of NRC for first miss 35% of NRC for second miss 40% of NRC for third miss	NYNEX shall be deemed in breach for each day beyond the due date.
V. UNE Service Restoration	1. Out of Service Trouble will be restored within twenty-four (24) hours of notification. Service-affecting trouble is defined where the end user has no dial tone, can not call out or can not be called.	1/30 th of recurring charge	NYNEX shall credit for an outage for every twenty-four (24) hour period after the first twenty-four (24) hours that service has failed to be restored.
VI. Resale Provisioning	1. Missed due date as listed on the Service Order Confirmation (SOC). Due date must comply with 915 Tariff unless otherwise agreed to by the Parties.	25% of NRC for first miss* 35% of NRC for second miss* 40% of NRC for third miss*	NYNEX shall credit for the first missed appointment.
VII. Resale Service Restoration	1. Out of Service Trouble will be restored within twenty-four (24) hours of notification. Service-affecting trouble is defined where the end user has no dial tone, can not call out or can not be called.	1/30 th of recurring charge*	NYNEX shall credit for an outage for every twenty-four (24) hour period after the first twenty-four (24) hours that service has failed to be restored.

* Breach amounts are per Tariff 900 Sections A.7.3 and D.2.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 1998, I caused a copy of the foregoing "Reply Comments of MediaOne, Inc." to be sent by messenger (*) or by first-class, postage prepaid, U.S. Mail, to the following:


Tanya Butler

*Kathy Brown
Chief
Common Carrier Bureau
Federal Communications Commission
Room 500
1919 M Street, N.W.
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